

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SIERRA CLUB,
Plaintiff,

v.

LEHIGH SOUTHWEST CEMENT
COMPANY, et al.,
Defendants.

UNITED STATES OF AMERICA, et al.,

Plaintiffs,

v.

LEHIGH SOUTHWEST CEMENT
COMPANY, et al.,
Defendants.

Case No. 5:11-cv-06392-HRL
Case No. 5:15-cv-01896-HRL

**ORDER RE STIPULATION TO AMEND
CONSENT DECREE**

On March 10, 2015 in Case No. C11-06392 HRL *Sierra Club v. Lehigh Southwest Cement Co., et al.*, the parties filed a fifth stipulation to amend the consent decree entered in that case. (Dkt. 103). The parties requested that this court refrain from ruling on that matter until after the United States Department of Justice (USDOJ) indicates that it has no objection. This court has not been apprised whether or not the USDOJ objects to the parties' stipulated amendment, and so that request remains pending.

1 Meanwhile, the federal and state governments sued the same defendants in Case No. C15-
2 01896 HRL *United States of America, et al. v. Lehigh Southwest Cement Co., et al.* and advised
3 that the matter was related to the *Sierra Club* case. The parties to the second action have
4 stipulated to the entry of a consent decree. After both lawsuits were related, the government's
5 unopposed motion for entry of the proposed consent decree was re-noticed for hearing on this
6 court's November 3, 2015 calendar.

7 No later than **October 26, 2015**, the parties to the *Sierra Club* action shall file a joint
8 statement (no more than 5 pages) (1) explaining how (if at all) the pending motion for entry of a
9 consent decree in Case No. C15-01896 impacts the parties' fifth stipulation to amend the consent
10 decree in Case No. C11-06392; and (2) advising as to any other matter that may facilitate a just
11 and efficient disposition of that stipulated request. To the extent the parties in Case No. C15-
12 01896 also wish to file a response to this order, they shall do so via a joint statement (no more than
13 5 pages) by October 26, 2015.

14 SO ORDERED.

15 Dated: October 19, 2015


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HOWARD R. LLOYD
United States Magistrate Judge

1 5:11-cv-06392-HRL Notice has been electronically mailed to:

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